



January 30, 2004

## SENATE BILL No. 352

DIGEST OF SB 352 (Updated January 28, 2004 2:19 pm - DI 101)

**Citations Affected:** IC 8-1.

**Synopsis:** Hours of work for public utility workers during emergencies. Exempts an employee of a public utility or an employee of a subcontractor or contractor of a public utility from the maximum hours of service that the employee is permitted to work under federal regulations when the individual: (1) holds a commercial driver's license; and (2) is engaged in intrastate maintenance or repair work during a utility service interruption emergency.

**Effective:** Upon passage.

**Merritt, Long**

January 12, 2004, read first time and referred to Committee on Utility and Regulatory Affairs.

January 29, 2004, amended, reported favorably — Do Pass.

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SB 352—LS 7063/DI 96+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 352

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-1-8.3 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **Chapter 8.3. Public Utility Employees; Utility Service**  
5 **Interruption Emergencies**

6 **Sec. 1. As used in this chapter, "commercial driver's license"**  
7 **has the meaning set forth in IC 9-13-2-29.**

8 **Sec. 2. As used in this chapter, "commercial motor vehicle" has**  
9 **the meaning set forth in IC 9-13-2-31.**

10 **Sec. 3. As used in this chapter, "public utility" has the meaning**  
11 **set forth in IC 8-1-2-1(a).**

12 **Sec. 4. As used in this chapter, "utility service interruption**  
13 **emergency" means an outage or interruption of utility service in**  
14 **Indiana, including a near term threat or occurrence of a**  
15 **meteorological or other condition reasonably likely to result in**  
16 **outages or service interruption. A utility service interruption**  
17 **emergency:**

SB 352—LS 7063/DI 96+



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(1) is declared to exist within the meaning of 49 CFR 390.23 when a public utility receives:

(A) notice of or a request to respond to an outage or a service interruption; or

(B) notice of the existence of conditions reasonably likely to result in an outage or a service interruption; and

(2) continues until:

(A) the necessary maintenance or repair work is completed; and

(B) personnel used to perform necessary maintenance or repair work have returned to their respective normal work routines.

Sec. 5. As used in this chapter, "utility service vehicle" has the meaning set forth in 49 CFR 395.2.

Sec. 6. An individual who:

(1) is the holder of a commercial driver's license;

(2) is:

(A) an employee;

(B) an employee of a contractor; or

(C) an employee of a subcontractor;

of a public utility in an employment capacity in which the commercial driver's license is used; and

(3) operates a commercial motor vehicle as a utility service vehicle and engages in intrastate maintenance or repair work in response to a utility service interruption emergency;

is exempt from any regulation of the maximum hours of service that the employee may work under 49 CFR 395.

SECTION 2. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Long be added as second author of Senate Bill 352.

MERRITT

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## COMMITTEE REPORT

Madam President: The Senate Committee on Utility and Regulatory Affairs, to which was referred Senate Bill No. 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "8.3." insert "**Public**".

Page 1, line 10, delete ""utility"" and insert ""**public utility**"".

Page 1, line 11, delete "IC 8-1-2-1(g)." and insert "**IC 8-1-2-1(a)**".

Page 1, line 16, delete "The" and insert "**A utility service interruption**".

Page 1, line 17, delete "begins" and insert "**is declared to exist within the meaning of 49 CFR 390.23**".

Page 1, line 17, after "a" insert "**public**".

Page 2, line 19, after "a" insert "**public**".

Page 2, delete lines 26 through 42.

Delete pages 3 through 5.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 352 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 10, Nays 0.

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